

Notice of Allowability

Application No.

09/574,595

Examiner

Narayanswamy Subramanian

Applicant(s)

BUNDY, MICHAEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2005.
2. ☒ The allowed claim(s) is/are 1-8 and 18-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10/4/2003.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to Applicant's appeal brief filed on December 20, 2005. Claims 1-8 and 18-24 are pending in this application.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Wilson US Patent 5,864,827 in combination with Cuomo et al US Patent 6,272,539 B1) teaches a method of displaying latency in a broker-dealer computer system, the system being engaged in automated processing of orders for securities including sending messages to markets and receiving from markets responses to messages, the method comprising: recording for messages sent to at least two different markets the time when each message is sent and the identity of the market to which each message is sent, the messages comprising orders; recording for responses received from said markets the time when each response is received, wherein each response corresponds to a particular message of said messages.

Even though, the prior art of record teaches the above mentioned steps, the prior art of record fails to teach a method of displaying latency in a broker-dealer computer system, the system being engaged in automated processing of orders for securities including sending messages to markets and receiving from markets responses to messages, including the steps of calculating for at least a first market a first latency dependent upon at least one recorded time when at least one message is sent to the first market and at least one recorded time when a corresponding response is received from the first market; calculating for a second market a second latency dependent upon at least one recorded time when at least one message is sent to the second market and at least one recorded time when a corresponding response is received

from the second market displaying on a device the identity of the first market and the latency for the first market and displaying the identity of the second market and the latency for the second market. For these reasons claim 1 is deemed to be allowable over the prior art of record, and claims 2-8 and 18-24 are allowed by dependency.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Fuji-Xerox (JP 07076155A) (March 20, 1995) Printer management device for image processors - uses main and printer processors to compute for processing time job ending time and latency of printing which are displayed in display units

(b) Dmitroca (US Patent 6,993,578 B1) (January 31, 2006) Method and System for Managing Performance Data About a Network

(c) Madhavapeddi et al (US Patent 6,975,656 B1) (December 13, 2005) Method and System for Accurately Calculating Latency Variation on an End-to-End Path in a Network

(d) Borzenko (US Patent 6,963,855 B1) (November 8, 2005) Apparatus and Method for Automated Display of Market Activity

(e) Schmerken, Ivy (Wall Street & Technology 23, 12, 17(3)) Direct from the source:
Brokerage firm E-speed Equities taps direct ECN order book data feeds through a hosted
Solution, (December 2005)

5. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is
(571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to
7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or
Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PMR or Public PAIR. Status information for unpublished
applications is available through Private PMR only. For more information about the PMR
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dr. N. Subramanian
February 28, 2006

N.S.



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800